



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 05/04/99

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Twin Bridges Community Park – Adopt the Attached Resolution of Intention to Form an Assessment District to Provide for the Improvement of a Community Park, and Related Resolutions for the Levy of Annual Maintenance Assessment

RECOMMENDATION:

It is recommended that the City Council approve the attached resolutions related to the formation of a Local Improvement District, and the levy for a related Landscaping and Lighting District.

DISCUSSION:

Local Improvement District No. 17:

On December 17, 1996, the City Council approved a Vesting Tentative Map for the Twin Bridges Project. Under the development agreement, the developer agreed to dedicate two acres for a neighborhood park. A condition of approval requires improvement of the park before half of the homes are occupied.

As the City Council will recall, in 1997 the City purchased so-called Village A. With this acquisition, both the golf course and the park were expanded. Although the acreage for the park was increased from two acres to three acres, this decision did not alter the original conditions of approval, which provided for improvement of only a two-acre site by means of a local improvement district financed by future home owners. As a result, discussions involving the property owner (Standard Pacific) and staff from HARD and the City were initiated to determine how to proceed with the development of the park.

Based on HARD's experience, it generally costs about \$150,000 per acre to develop a park. The project's share was therefore estimated at \$300,000 (based on two acres). Relying on this experience, the two-acre portion of the park to be covered by the formation of the local improvement district was calculated to be \$300,000. Since the City's purchase of Village A yielded a bigger park, it also became necessary to determine how to fund the additional expense resulting from the one-acre enhancement. Based on discussions between HARD and City staff, it was agreed that staff from each agency would recommend to the respective policymakers that each entity pay one-half of the \$150,000 amount (pertaining to the one-acre enhancement).

The resolutions before Council are predicated on the aforementioned cost sharing arrangement. It is our understanding that HARD has incorporated its share of the improvement cost in its 1999-00 budget. It is our recommendation that the City's share come from the general fund, utilizing current year revenues.

Local Improvement District No. 17 is designed to provide for the improvement of the community park at Twin Bridges. These improvements include landscaping, lighting, play areas, picnic areas, a volleyball court, and a basketball court. All the properties within the assessment district are within the Twin Bridges development. The 343 single-family residential lots proposed for assessment receive a special benefit from the park in that the park is a requirement for their development, and the assessment area residents will be the primary beneficiaries and users of the park.

The Engineer's Report estimates that the district improvement and formation cost is approximately \$591,000, of which \$460,000 is the construction contract amount. Accounting for the above-mentioned \$150,000 contribution, bonds in the amount of \$441,000 will be issued to fully finance the improvements. These bonds will be paid off over 25 years through an assessment of properties within the development. Pertinent excerpts of the Engineer's Report are attached as Exhibit A, and the complete document is on file in the City Clerk's office.

Each of the 343 single-family residential lots in the district will be assessed an equal amount to repay the bonds. The assessment has preliminarily been estimated at \$1,285.76 per lot, financed over a 25-year period, with annual payments estimated at approximately \$100 per year.

Although during the assessment district process bids may be obtained and a contract awarded, the contract would be contingent on the district being approved. The conditions for the funding and acquisition of the park improvements are articulated in a funding and acquisition agreement between the developer and the City. This agreement allows the City to pay for park improvements from the bond proceeds on behalf of the District and sets out the conditions for the construction and acquisition of the improvements.

Zone 7 of Consolidated Landscaping and Lighting District 96-1:

Once the park improvements are constructed, its maintenance will be funded via the landscaping and lighting district established in 1998. During the formation of the maintenance district in 1998, it was anticipated that the annual maintenance costs would amount to \$575 per lot, adjusted annually based on a cost of living index. The \$575 figure was also disclosed to all new homebuyers by the developer. Since all of the improvements to be maintained were not in place in 1998, the assessment levied in 1998-99 was \$198.21. It is now necessary to increase the assessment in recognition of the fact that new facilities will be installed and will become the responsibility of the District. The costs associated with the District and the methodology for calculating the levies are included within the attached Engineer's Report for Landscaping and Lighting District Zone 7 (Exhibit B).

The per parcel assessment has been increased and computed as a range, from \$300.90 to \$597.57, with the exact amount to be levied in any given year to be based on the District maintenance

needs for that year. This range is based on the amount of maintenance that will be ultimately required when all of the improvements that are subject to maintenance through the District have been installed. In addition, this range of assessments is subject to an annual percentage increase equal to the percentage increase of the California Consumer Price Index, as determined by the California Department of Industrial Relations. Establishing the assessment as a range is consistent with Prop 218 and would permit future increases (within the range) without having to subject property owners to mail-in ballots and notices which would otherwise be required in future years.

The maintenance budget for fiscal year 1999-00, is computed at \$366.84 per parcel, which is the collection amount based on the District's maintenance needs for FY 1999-00.

Schedule:

It is anticipated that park improvements will be completed during the 1999 construction season. The tentative schedule for district formation, upon adoption of the resolutions of intention and preliminary approval of the Engineer's Reports, is as follows:

May 26, 1999	Staff holds informational meeting with interested parties
June 22, 1999	Public Hearing. Amend the Engineer's Report on District formation based on bids received, form the district, levy the assessment and authorize the sale of bonds. Amend and confirm the annual assessment for Zone 7 of Consolidated Landscaping and Lighting District 96-1.
July/August	Marketing of bonds and receipt of bond proceeds

Necessary Action:

In order to create the Local Improvement District and establish the levy associated with the Landscape and Lighting District, staff recommends approval of the attached resolutions. These resolutions indicate the City's intent to form the Improvement District and set the public hearing date for June 22, 1999.

For fiscal year 1999-00, the amount levied per household for both the proposed Local Improvement District (approximately \$100) and the Landscaping and Lighting District (\$367) would be approximately \$467, or the equivalent of \$39 per month.

The community park improvements were included in the Environmental Impact Report for the subdivision, and therefore, no further environmental review is required. The attached Engineer's Reports provide detailed information regarding the proposed assessment and maintenance districts.

Prepared by:

Bashir Y. Anastas

Bashir Y. Anastas, P.E.

Development Review Services Engineer

Recommended by:

Diana Anderley

for Sylvia Ehrenthal

Director of Community and Economic Development

Approved by:

Jesús Armas

Jesús Armas, City Manager

Attachments:

- A. Exerpt of Engineer's Report for Local Improvement District 17
- B. Engineer's Report for Landscaping and Lighting District, Zone 7
Draft Resolution(s)

4.28.99

(EXCERPTS)

**ENGINEER'S REPORT
FOR
LOCAL IMPROVEMENT DISTRICT NO. 17
(TWIN BRIDGES COMMUNITY PARK)**

FISCAL YEAR 1999-2000

City of Hayward
777 "B" Street
Hayward, CA 94541-5007

Cost Estimate

The following table shows the estimated financing and construction cost for
Twin Bridges Community Park

Table No. 1 Local Improvement District No. 17 (Twin Bridges Community Park) (City of Hayward)		
Item Description	Preliminary Costs	Confirmed Costs
EXPENDITURES		
I. Construction		
Park Construction	\$460,000	
Subtotal	\$460,000	
II. Design/Construction Admin.		
Design & Construction Inspection	\$25,000	
Subtotal	\$25,000	
III. Formation Costs		
Consultant Fees	\$8,700	
City Admin. Fees	\$6,400	
Legal Counsel	\$12,500	
Financial Consultant	\$10,000	
Printing, Advertising, Notices, etc.	\$2,500	
Bond Registrar and Paying Agent	\$7,000	
Bond and Official Statement Printing	\$4,000	
Contingency	\$2,000	
Subtotal	\$53,100	
IV. Financing Costs		
Capitalized Interest	\$4,410	
Cost of Issuance (2%)	\$8,820	
Appraisal	\$6,000	
Reserve Fund	\$33,684	
Subtotal	\$52,914	
TOTAL District Costs	\$591,014	
REVENUES		
I. Contributions		
a) City Of Hayward	(\$75,000)	
b) HARD	(\$75,000)	
Subtotal	(\$150,000)	
II. Bond Revenue	(\$441,014)	
TOTAL District Revenues	(\$591,014)	

Part III
Assessment Roll and
Method of Assessment Spread

WHEREAS, on _____, 1999, the City Council of the CITY OF HAYWARD, State of California, did, pursuant to the provisions of the 1913 Act, the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code, of the State of California, adopt its Resolution of Intention No. _____, for the installation, construction and acquisition of certain public improvements, together with appurtenances and appurtenant work in connection therewith, in a special assessment district known and designated as

LOCAL IMPROVEMENT DISTRICT NO. 17
(Twin Bridges Community Park)

(hereinafter referred to as the "District"); and

WHEREAS, said Resolution of Intention, as required by law, did direct the Engineer of Work to make and file a "Report", consisting of the following as required by Section 10204 of the Act:

- a. Plans;
- b. Specifications;
- c. Cost Estimates;
- d. Assessment Diagram showing the District and the subdivisions of land therein;
- e. A proposed assessment of the costs and expenses of the works of improvement levied upon the parcels within the boundaries of the District; and
- f. The proposed maximum annual assessment to be levied upon each subdivision or parcel of land within the District to pay the costs incurred by the City and not otherwise reimbursed resulting from the administration and collection of assessments or from the administration and registration of any associated bonds and reserve or other related funds.

For particulars, reference is made to the Resolution of Intention as previously adopted.

NOW, THEREFORE, I, Bashir Anastas, pursuant to Article XIID of the California Constitution and the "Municipal Improvement Act of 1913", do hereby submit the following:

1. Pursuant to the provisions of law and the Resolution of Intention, I have assessed the costs and expenses of the works of improvement to be performed in the District upon the parcels of land in the District specially benefited thereby in direct proportion and relation to the estimated special benefits to be received by each of said parcels. For particulars as to the identification of said parcels, reference is made to the District Diagram, a copy of which is attached hereto.
2. As required by law, a District Diagram is hereto attached, showing the District boundaries, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said District as the same existed at the time of the passage of said Resolution of Intention, each of which subdivisions of land or parcels or lots respectively have been given a separate number upon said District Diagram and in said Assessment Roll.

3. The subdivisions and parcels of land, the numbers therein as shown on the respective District Diagram as attached hereto, correspond with the numbers as appearing on the Assessment Roll as contained herein.
4. NOTICE IS HEREBY GIVEN that bonds will be issued in accordance with Division 10 of the Streets and Highways Code of the State of California (the "Improvement Bond Act of 1915"), to represent all unpaid assessments, which bonds shall be issued not to exceed the legal maximum term as authorized by law, THIRTY-NINE (39) YEARS from the 2nd day of September next succeeding twelve (12) months from their date. Said bonds shall bear interest at a rate not to exceed the current legal maximum rate of 12% per annum.
5. By virtue of the authority contained in said "Municipal Improvement Act of 1913", and by further direction and order of the legislative body, I hereby recommend the following Assessment to cover the costs and expenses of the works of improvement for the District based on the costs and expenses as set forth below in Table No. 2:

Table No. 2 - Project Cost Summary Local Improvement Dist. No. 17 (Twin Bridges Community Park) (City of Hayward)		
Item Description	Preliminary Costs	Confirmed Costs
Construction Costs	\$460,000	
Design/Construction Admin.	<u>\$25,000</u>	
Subtotal	\$485,000	
Contributions	<u>(\$150,000)</u>	
Subtotal	\$335,000	
Formation Costs	\$53,100	
Financing Costs	<u>\$52,914</u>	
Total	\$441,014	

For particulars as to the individual assessments and their descriptions, please refer to the Assessment Roll in Appendix "A" of this report.

The annual assessments for costs incurred by the City of Hayward and not otherwise reimbursed which resulted from the administration and collection of assessments or from the administration or registration of funds are estimated to be in a maximum amount of \$2,000 per year and are apportioned as follows: Each parcel with bonded debt within the District shall be allocated an equal share of these annual costs.

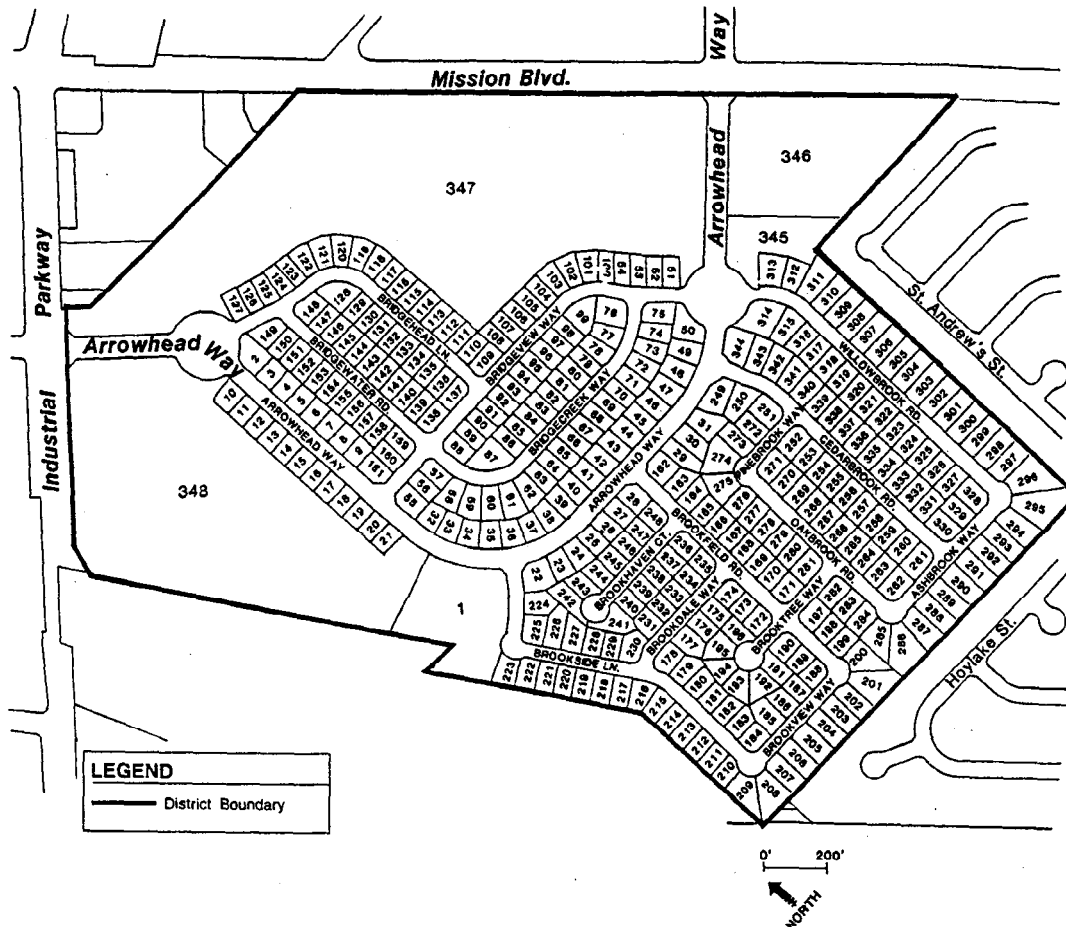
6. The Method of Spread of Assessment is as set forth in Exhibit "A", which is attached hereto, referenced and so incorporated.

Dated: _____, 1999

CITY OF HAYWARD

BASHIR ANASTAS, P.E.
R.C.E. No. C48748
DISTRICT ENGINEER

**PROPOSED BOUNDARIES OF
LOCAL IMPROVEMENT DISTRICT NO. 17
(TWIN BRIDGES COMMUNITY PARK)
CITY OF HAYWARD, COUNTY OF ALAMEDA
STATE OF CALIFORNIA**



Filed in the office of the City Clerk of the City of Hayward this ____ day of _____, 1999.

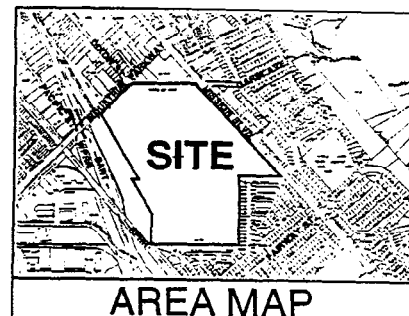
CITY CLERK, City of Hayward

I hereby certify that the within map showing proposed boundaries of Local Improvement District No. 17 (Twin Bridges Community Park), City of Hayward, County of Alameda, State of California, was approved by the City Council of the City of Hayward, at a meeting thereof, held on the ____ day of _____, 1999, by its Resolution No. _____.

BY _____
CITY CLERK, City of Hayward

Filed this ____ day of _____, 1999, at the hour of ____ o'clock ____ m in Book ____ of Maps of Assessment and Community Facility Districts at Page ____ of the office of the County Recorder of Alameda County, State of California.

County Recorder, County of Alameda



CITY OF HAYWARD

LANDSCAPING AND LIGHTING DISTRICT ZONE 7

WITHIN

CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT No. 96-1

MISSION BOULEVARD, INDUSTRIAL PARKWAY, ARROWHEAD WAY

ANNUAL LEVY REPORT

LANDSCAPING AND LIGHTING ACT OF 1972

(FISCAL YEAR 1999-00)

ENGINEER'S REPORT

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1. Background, including Apportionment Methodology
 2. Certifications
 3. Apportionment Methodology, including Estimate of Costs
 4. Engineer's Cost Estimate
 5. Assessment Roll for Fiscal Year 1999-00
 6. Assessment Diagram for Fiscal Year 1999-00
 7. Resolution No. 99-__, Ordering the Levy and Collection of Assessments
 8. Plans indicating Proposed Facilities Maintained by the District are on File in the Office of the City Clerk

BACKGROUND

On December 17, 1996, the City Council approved by Resolution No. 96-246 Vesting Tentative Tract Map 7015 for 343 residential lots. Map approval was conditioned upon the formation of a Landscaping and Lighting District to maintain common area landscaping and other facilities, as follows:

- a. Planting, irrigation, the multi-use pathway, and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the collector street ("A" Drive);
- d. Bus shelters;
- e. Walls and fences that face Mission Boulevard, Industrial Parkway, the entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
- f. Any specialty street or landscape lighting; and
- g. Neighborhood park.

Three final maps have since been recorded, and the landscape and lighting district was formed in 1998 with levy amounts set based on the then installed improvements. This year's update establishes a range of assessment as explained below.

The developer is responsible for maintaining the landscaping for a minimum period of one-year following the acceptance of the tract improvements, which will likely extend through fiscal year 1999-00. The City may hire a licensed landscape contractor to maintain the landscaping and the street side of the wall.

APPORTIONMENT METHODOLOGY

The homes within the tract are/will be contiguous to each other. The architecture, landscaping features and masonry wall set these developments off as a distinct and separate community. Given the extent of the improvements and the resulting aesthetics that benefit the developments, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance.

The benefit derived by the individual residential lots within the district is indistinguishable between lots; therefore, all lots derive the same benefit and the method of assessment will be based on a per lot basis.

Four of the parcels have been designated for future golf course or neighborhood park uses. These parcels, which are owned by the City, receive no special benefit, since they contain no residents. Therefore, the special benefit for each of the four parcels is established as equal to the special benefit received by one residential lot.

Pursuant to the Landscaping and Lighting Act of 1972, each year the legislative body must determine what assessment will be levied for that fiscal year.

The project's total incidental cost for the Zone 7 area includes costs for preparation of legal documents and noticing, preparation of the specifications for and administration of the landscape maintenance contract, a cash flow fund to cover cost expenditures prior to receipt of 2000-01 assessments from the County, irrigation and plant replacement funds and County collection charges.

The Engineer's Cost Estimate reflects costs for FY 1999/00 for all the items to show the level of costs that are expected to occur within the district in the future, including the neighborhood park maintenance costs.

The per parcel assessment has been increased and computed as a range, from \$140.95 to \$597.57, with the exact amount to be levied in any given year to be determined by the District budget for that year. This range is based on the amount of maintenance that will be ultimately required when all of the improvements that are subject to maintenance through the District have been installed. In addition, this range of assessments is subject to an annual percentage increase equal to the percentage increase from April of the prior year to April 1 of the current year in the California Consumer Price Index, as determined by the California Department of Industrial Relations.

The budget for fiscal year 1999-00, is computed at \$366.84 per parcel, which is the collection amount based on the District's maintenance needs for FY 1999-00.

LANDSCAPING AND LIGHTING DISTRICT ZONE 7

WITHIN

**CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1**

**CERTIFICATIONS
FISCAL YEAR 1999-00**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with an estimate of costs as set forth in Column (1) page 5 and the assessment diagram, all within and a part of said report, was filed with this office on _____, 1999.

City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimate of Costs on page 5 of the foregoing report, and the breakdown of estimated costs on page 7 of this report have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 99-____, duly adopted by said Council on _____, 1999.

Dated: _____

City of Hayward

By: _____
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Estimate of Cost as shown in Column (3) under Estimate of Costs on page 5 and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on _____, 1999, Resolution No. 99-____, subject documents are a part of the Engineer's Report of subject district which is on file in this office.

City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Diagram was filed in the office of the County Auditor of the County of Alameda, California, on _____, 1999.

City Clerk

ZONE 7 ANNUAL LEVY REPORT -- LLD NO. 96-1, FY 99/00

ASSESSMENT

WHEREAS, on July 28, 1998, by Resolution No. 98-153, the City Council of the City of Hayward, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Initiating and Approving Formation of Zone 7 within Consolidated Landscaping and Lighting Assessment District No. 96-1.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council of said City, hereby select the method of spreading assessments utilizing a per lot basis as most accurately distributing the costs in proportion to benefits received.

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	ESTIMATE OF COSTS		
	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$ 84,667.00		
Incidental Expenses	\$ 43,127.84		
ASSESSMENT FOR FY 1999-00	\$127,794.84		
LESS SURPLUS FROM FY 1998-99	\$ 500.00		
AMOUNT TO BE COLLECTED FOR FY 1999-00	\$127,294.84		

ZONE 7 ANNUAL LEVY REPORT -- LLD NO. 96-1, FY 99/00

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram.

I do hereby assess the net amount to be assessed upon all assessable lots within said assessment district by apportioning that amount among the lots in proportion to the estimated benefits to be received by each such lot from the landscape improvements, and more particularly set for in the list hereto attached and by reference made a part hereof. The method of spreading assessments utilizing a per lot basis was selected as most accurately distributing the costs in proportion to benefits received.

The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said lots.

Each lot is described in the assessment roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 1999-00 and includes all of such parcel.

For line and dimensions of the lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivision reference is hereby made to the Final Map of Tract 7015, filed in the Office of the Recorder of Alameda County on November 20, 1997.

Dated: _____

Bashir Y. Anastas, P.E.
Engineer of Work

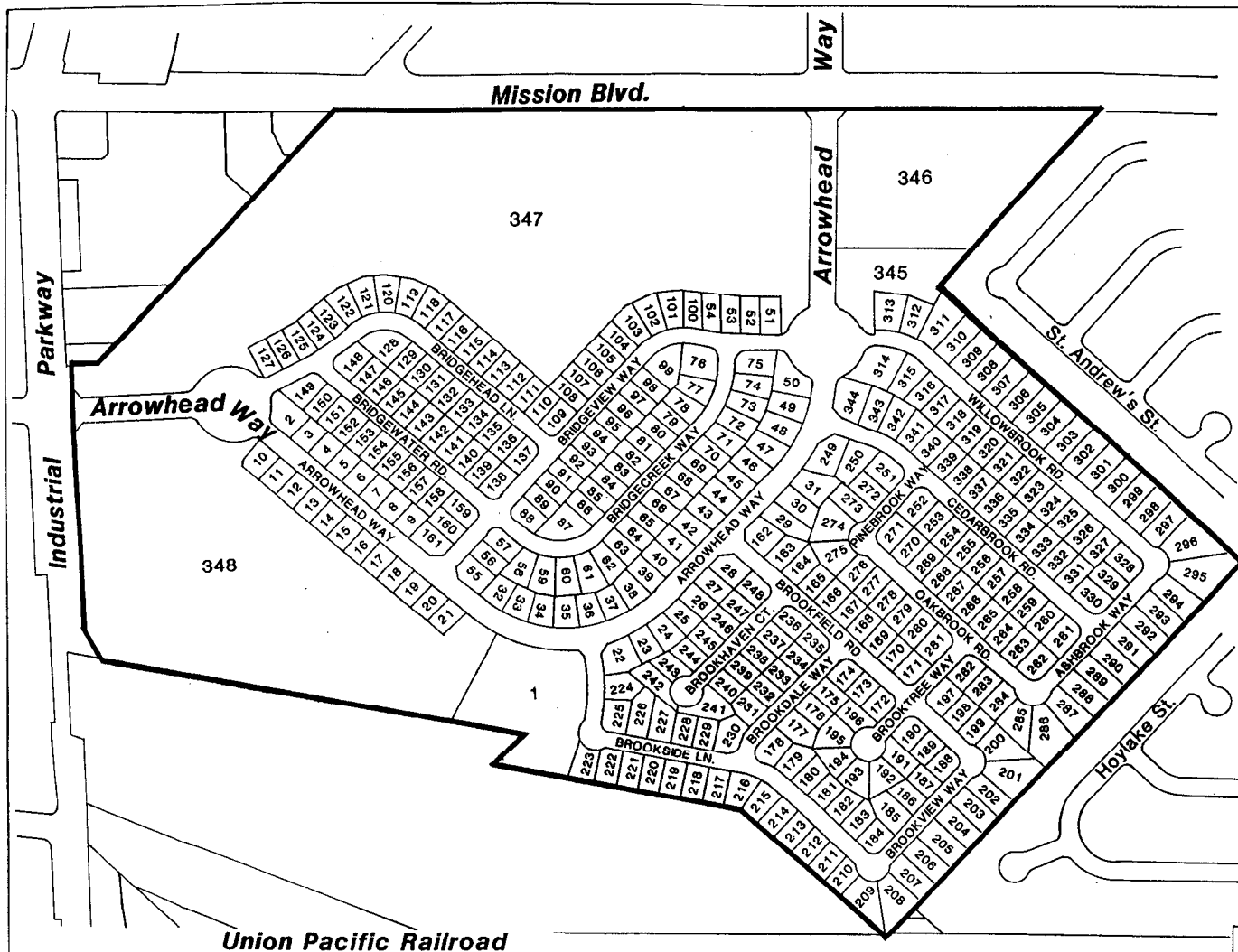
ZONE 7 ANNUAL LEVY REPORT -- LLD NO. 96-1, FY 99/00

CONSOLIDATION AND ANNUAL LEVY REPORT
CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1
(LLD NO. 96-1)
ZONE 7
(MISSION BOULEVARD, INDUSTRIAL PARKWAY AND ARROWHEAD WAY)
Engineer's Cost Estimate⁽¹⁾
FY 99/00

	FY 99/00 Range of Costs		Budget
	Low	High	
<u>I. MAINTENANCE COSTS</u>			
(a) Irrigation water	9,250.00	18,500.00	9,250.00
(b) Electrical energy	900.00	1,800.00	900.00
(c) Irrigation Maintenance	4,095.00	13,650.00	4,095.00
(d) Landscaping maintenance including debris removal, weeding, trimming, and spraying	61,675.00	123,350.00	61,675.00
(e) Masonary wall (surface maintenance)	300.00	1,500.00	300.00
(f) Bus Shelters	300.00	1,500.00	300.00
(g) Street Lights	450.00	1,500.00	450.00
(e) Contingency	7,697.00	8,090.00	7,697.00
Total Maintenance Cost	84,667.00	169,890.00	84,667.00
<u>II. INCIDENTAL COSTS</u>			
(a) Administration (City)	8,000.00	14,000.00	9,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	3,500.00	5,000.00	4,000.00
(c) Reserve Fund for Replacement of Capital Assets ⁽²⁾	4,000.00	10,000.00	5,000.00
(d) Plant Replacement Fund ⁽³⁾	3,000.00	5,000.00	3,000.00
(e) Cash Flow Fund (33%; includes prior fiscal year)	0.00	0.00 ⁽⁴⁾	20,000.00
(f) County Collection Charges (1.7%)	1,745.34	3,466.13	2,127.84
Total Incidental Costs	20,245.34	37,466.13	43,127.84
<u>III. TOTAL ASSESSABLE COSTS</u>	104,912.34	207,356.13	127,794.84
Less Surplus from prior fiscal year	-500.00	0.00	-500.00
NET ASSESSMENT COLLECTION FOR FISCAL YEAR	104,412.34	207,356.13	127,294.84
Number of Assessable Parcels	347.00	347.00	347.00
Assessment per Parcel	300.90	597.57	366.84

NOTES:

- ⁽¹⁾ This estimate is the basis for the FY 99/00 assessment. Figures shown at the high end of the estimate range reflect the estimate of costs to the District once all of the improvements are installed. It is likely that District expenditures during FY 99/00 will be less than shown since all of the improvements will not become the responsibility of the District until late in the fiscal year or during the following year. The Budget Column reflects most likely outcome for FY 99-00.
- ⁽²⁾ This figure is the combined capital fund for street lights and irrigation facilities. Combined balance at the end of FY 1998/99 = \$16,850.00
- ⁽³⁾ The balance of the Plant Replacement Fund as of the end of FY 98/99 is \$3,350.00
- ⁽⁴⁾ Operating Cash Flow Fund needed upon buildout of the District is \$68,763.13, and is assumed to be fully funded in the initial two years after the district is formed. Balance of fund as of the end of FY 98/99 is \$40,409.33; with \$20,000 budgeted in FY 99/00.



NOTE:

This diagram is only for the purpose of indicating the lots being assessed, the assigned assessment numbers for said lots and the relationship to the surrounding streets.

For a detailed description of the lines and dimensions of the lots, reference is made to the Alameda County Assessor's Maps for the fiscal year 1999-2000. For information on the streets and other appurtenant lines and dimensions reference is made to the filed Final Map of Tracts 7015, 7016, 7017, and 7018.

LEGEND

- District Boundary
- Parcel/Lot Lines
- 76G-2652-1 Assessment Number

APPROVED
ENGINEER OF WORK

BY: Bashir Anastas DATE _____

Filed in the Office of the City Clerk of the City of Hayward, County of Alameda, State of California, this _____ Day of _____, 19 _____.

CITY CLERK, CITY OF HAYWARD
COUNTY OF ALAMEDA, CALIFORNIA

An Assessment was Confirmed and Levied by the City of Hayward, California, on the Lots, Pieces and Parcels of Land shown on this Assessment Diagram on the _____ Day of _____, 19 _____, and said Assessment Diagram and the Assessment Roll were filed in the Office of the City Clerk, City of Hayward on the _____ Day of _____, 19 _____. Reference is made to said Recorded Assessment Roll for the Exact Amount of each Assessment levied against each Parcel of Land Shown on the Assessment Diagram.

CITY CLERK, CITY OF HAYWARD, CA.

COUNTY AUDITOR'S CERTIFICATE:

On this _____ Day of _____, 19 _____, this Assessment Diagram and the Accompanying Assessment Roll have been filed in the Office of the Auditor of Alameda County.

AUDITOR OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

COUNTY RECORDER'S CERTIFICATE:

Recorded this _____ Day of _____, 19 _____, in the Office of the County Recorder of the County of Alameda, in Book _____ of Maps of Assessment District at Pages _____ Thereof at _____.

COUNTY RECORDER,
COUNTY OF ALAMEDA STATE OF CALIFORNIA

ASSESSMENT DIAGRAM
ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1
ZONE 7
MISSION BLVD. AND INDUSTRIAL PARKWAY
City of Hayward, Alameda County, California
FISCAL YEAR 1999-2000

(1)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2652 002 00	2
078G 2652 003 00	3
078G 2652 004 00	4
078G 2652 005 00	5
078G 2652 006 00	6
078G 2652 007 00	7
078G 2652 008 00	8
078G 2652 009 00	9
078G 2652 010 00	10
078G 2652 011 00	11
078G 2652 012 00	12
078G 2652 013 00	13
078G 2652 014 00	14
078G 2652 015 00	15
078G 2652 016 00	16
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078G 2652 046 00	46
078G 2652 047 00	47
078G 2652 048 00	48
078G 2652 049 00	49
078G 2652 050 00	50
078G 2652 051 00	51
078G 2652 052 00	52
078G 2652 053 00	53
078G 2652 054 00	54
078G 2652 055 00	55
078G 2652 056 00	56
078G 2652 057 00	57
078G 2652 058 00	58
078G 2652 059 00	59
078G 2652 060 00	60
078G 2652 061 00	61
078G 2652 062 00	62
078G 2652 063 00	63
078G 2652 064 00	64
078G 2652 065 00	65

(2)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2652 066 00	66
078G 2652 067 00	67
078G 2652 068 00	68
078G 2652 069 00	69
078G 2652 070 00	70
078G 2652 071 00	71
078G 2652 072 00	72
078G 2652 073 00	73
078G 2652 074 00	74
078G 2652 075 00	75
078G 2652 076 00	76
078G 2652 077 00	77
078G 2652 078 00	78
078G 2652 079 00	79
078G 2652 080 00	80
078G 2652 081 00	81
078G 2652 082 00	82
078G 2652 083 00	83
078G 2652 084 00	84
078G 2652 085 00	85
078G 2652 086 00	86
078G 2652 087 00	87
078G 2652 088 00	88
078G 2652 089 00	89
078G 2652 090 00	90
078G 2652 091 00	91
078G 2652 092 00	92
078G 2652 093 00	93
078G 2652 094 00	94
078G 2652 095 00	95
078G 2652 096 00	96
078G 2652 097 00	97
078G 2652 098 00	98
078G 2652 099 00	99
078G 2652 100 00	100
078G 2652 101 00	101
078G 2652 102 00	102
078G 2652 103 00	103
078G 2652 104 00	104
078G 2652 105 00	105
078G 2652 106 00	106
078G 2652 107 00	107
078G 2652 108 00	108
078G 2652 109 00	109
078G 2652 110 00	110
078G 2652 111 00	111
078G 2652 112 00	112
078G 2652 113 00	113
078G 2652 114 00	114
078G 2652 115 00	115
078G 2652 116 00	116
078G 2652 117 00	117
078G 2652 118 00	118
078G 2652 119 00	119
078G 2652 120 00	120
078G 2652 121 00	121
078G 2652 122 00	122
078G 2652 123 00	123
078G 2652 124 00	124
078G 2652 125 00	125
078G 2652 126 00	126
078G 2652 127 00	127
078G 2652 128 00	128
078G 2652 129 00	129

(3)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2652 130 00	130
078G 2652 131 00	131
078G 2652 132 00	132
078G 2652 133 00	133
078G 2652 134 00	134
078G 2652 135 00	135
078G 2652 136 00	136
078G 2652 137 00	137
078G 2652 138 00	138
078G 2652 139 00	139
078G 2652 140 00	140
078G 2652 141 00	141
078G 2652 142 00	142
078G 2652 143 00	143
078G 2652 144 00	144
078G 2652 145 00	145
078G 2652 146 00	146
078G 2652 147 00	147
078G 2652 148 00	148
078G 2652 149 00	149
078G 2652 150 00	150
078G 2652 151 00	151
078G 2652 152 00	152
078G 2652 153 00	153
078G 2652 154 00	154
078G 2652 155 00	155
078G 2652 156 00	156
078G 2652 157 00	157
078G 2652 158 00	158
078G 2652 159 00	159
078G 2652 160 00	160
078G 2652 161 00	161
078G 2653 001 00	162
078G 2653 002 00	163
078G 2653 003 00	164
078G 2653 004 00	165
078G 2653 005 00	166
078G 2653 006 00	167
078G 2653 007 00	168
078G 2653 008 00	169
078G 2653 009 00	170
078G 2653 010 00	171
078G 2653 011 00	172
078G 2653 012 00	173
078G 2653 013 00	174
078G 2653 014 00	175
078G 2653 015 00	176
078G 2653 016 00	177
078G 2653 017 00	178
078G 2653 018 00	179
078G 2653 019 00	180
078G 2653 020 00	181
078G 2653 021 00	182
078G 2653 022 00	183
078G 2653 023 00	184
078G 2653 024 00	185
078G 2653 025 00	186
078G 2653 026 00	187
078G 2653 027 00	188
078G 2653 028 00	189
078G 2653 029 00	190
078G 2653 030 00	191
078G 2653 031 00	192

(4)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2653 032 00	193
078G 2653 033 00	194
078G 2653 034 00	195
078G 2653 035 00	196
078G 2653 036 00	197
078G 2653 037 00	198
078G 2653 038 00	199
078G 2653 039 00	200
078G 2653 040 00	201
078G 2653 041 00	202
078G 2653 042 00	203
078G 2653 043 00	204
078G 2653 044 00	205
078G 2653 045 00	206
078G 2653 046 00	207
078G 2653 047 00	208
078G 2653 048 00	209
078G 2653 049 00	210
078G 2653 050 00	211
078G 2653 051 00	212
078G 2653 052 00	213
078G 2653 053 00	214
078G 2653 054 00	215
078G 2653 055 00	216
078G 2653 056 00	217
078G 2653 057 00	218
078G 2653 058 00	219
078G 2653 059 00	220
078G 2653 060 00	221
078G 2653 061 00	222
078G 2653 062 00	223
078G 2653 063 00	224
078G 2653 064 00	225
078G 2653 065 00	226
078G 2653 066 00	227
078G 2653 067 00	228
078G 2653 068 00	229
078G 2653 069 00	230
078G 2653 070 00	231
078G 2653 071 00	232
078G 2653 072 00	233
078G 2653 073 00	234
078G 2653 074 00	235
078G 2653 075 00	236
078G 2653 076 00	237
078G 2653 077 00	238
078G 2653 078 00	239
078G 2653 079 00	240
078G 2653 080 00	241
078G 2653 081 00	242
078G 2653 082 00	243
078G 2653 083 00	244
078G 2653 084 00	245
078G 2653 085 00	246
078G 2653 086 00	247
078G 2653 087 00	248
078G 2654 001 00	249
078G 2654 002 00	250
078G 2654 003 00	251
078G 2654 004 00	252
078G 2654 005 00	253
078G 2654 006 00	254
078G 2654 007 00	255

(5)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2654 008 00	256
078G 2654 009 00	257
078G 2654 010 00	258
078G 2654 011 00	259
078G 2654 012 00	260
078G 2654 013 00	261
078G 2654 014 00	262
078G 2654 015 00	263
078G 2654 016 00	264
078G 2654 017 00	265
078G 2654 018 00	266
078G 2654 019 00	267
078G 2654 020 00	268
078G 2654 021 00	269
078G 2654 022 00	270
078G 2654 023 00	271
078G 2654 024 00	272
078G 2654 025 00	273
078G 2654 026 00	274
078G 2654 027 00	275
078G 2654 028 00	276
078G 2654 029 00	277
078G 2654 030 00	278
078G 2654 031 00	279
078G 2654 032 00	280
078G 2654 033 00	281
078G 2654 034 00	282
078G 2654 035 00	283
078G 2654 036 00	284
078G 2654 037 00	285
078G 2654 038 00	286
078G 2654 039 00	287
078G 2654 040 00	288
078G 2654 041 00	289
078G 2654 042 00	290
078G 2654 043 00	291
078G 2654 044 00	292
078G 2654 045 00	293
078G 2654 046 00	294
078G 2654 047 00	295
078G 2654 048 00	296
078G 2654 049 00	297
078G 2654 050 00	298
078G 2654 051 00	299
078G 2654 052 00	300
078G 2654 053 00	301
078G 2654 054 00	302
078G 2654 055 00	303
078G 2654 056 00	304
078G 2654 057 00	305
078G 2654 058 00	306

(6)	
Assessor's Parcel Number	Assessment Diagram Number
078G 2654 059 00	307
078G 2654 060 00	308
078G 2654 061 00	309
078G 2654 062 00	310
078G 2654 063 00	311
078G 2654 064 00	312
078G 2654 065 00	313
078G 2654 066 00	314
078G 2654 067 00	315
078G 2654 068 00	316
078G 2654 069 00	317
078G 2654 070 00	318
078G 2654 071 00	319
078G 2654 072 00	320
078G 2654 073 00	321
078G 2654 074 00	322
078G 2654 075 00	323
078G 2654 076 00	324
078G 2654 077 00	325
078G 2654 078 00	326
078G 2654 079 00	327
078G 2654 080 00	328
078G 2654 081 00	329
078G 2654 082 00	330
078G 2654 083 00	331
078G 2654 084 00	332
078G 2654 085 00	333
078G 2654 086 00	334
078G 2654 087 00	335
078G 2654 088 00	336
078G 2654 089 00	337
078G 2654 090 00	338
078G 2654 091 00	339
078G 2654 092 00	340
078G 2654 093 00	341
078G 2654 094 00	342
078G 2654 095 00	343
078G 2654 096 00	344
078G 2651 018 01	345
078G 2651 018 02	346
078G 2651 017 00	347
078G 2651 018 00	348
078G 2651 019 00	1

**ASSESSMENT DIAGRAM
ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1
ZONE 7
MISSION BLVD. AND INDUSTRIAL PARKWAY
City of Hayward, Alameda County, California**

DRAFT

JM 4-28-99

CITY OF HAYWARD

RESOLUTION NO. ____

Introduced by Council Member _____

A RESOLUTION PRELIMINARILY APPROVING
ENGINEER'S REPORT, ORDERING HEARINGS AND
DIRECTING ACTIONS WITH RESPECT THERETO FOR
LOCAL IMPROVEMENT DISTRICT NO. 17 (TWIN
BRIDGES COMMUNITY PARK)

BE IT RESOLVED, by the City Council of the City of Hayward as follows:

1. Resolution of Intention. On May 4, 1999, this Council adopted Resolution No. ____, A Resolution of Intention to Make Acquisitions and Improvements, (the "Resolution of Intention") under the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California, (the "Act") to initiate proceedings under the Act in and for the City's Local Improvement District No. 17 (Twin Bridges Community Park) (the "Assessment District").
2. Engineer's Report. The Resolution of Intention referred the acquisitions and improvements described therein to the person designated therein as the Engineer of Work and directed the Engineer of Work to prepare and file with the City Clerk a report (the "Engineer's Report") pursuant to the Act and containing information set forth in the Resolution of Intention, to which reference is hereby made for further particulars.
3. Engineer's Report Preliminarily Approved. The Engineer of Work has prepared and filed the Engineer's Report with the City Clerk, and this Council with the aid of City staff has reviewed the Engineer's Report, and hereby finds it to be sufficient for, and that it shall stand for purposes of subsequent proceedings for the Assessment District and the Engineer's Report is hereby preliminarily approved.
4. Hearing. Pursuant to the Act, this Council hereby orders that a public hearing be held before this Council, in the regular meeting place thereof, City Council Chambers, 777 "B" Street, Hayward, California on Tuesday, June 22, 1999, at the hour of 8:00 o'clock p.m. for the purposes of this Council's determination whether the public interest, convenience and necessity require the acquisitions and improvements and this Council's final action upon the Engineer's Report and the assessments therein.
5. Notice of Hearing. The City Clerk is hereby authorized and directed to cause notice of the hearing ordered under Section 4 hereof to be given by mailing, postage prepaid, in the United States mail, and such notice shall be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing shall include the name of the

City and the return address of the City Clerk as the sender. The mailed notice shall be given to all property owners within the Assessment District as shown in the Engineer's Report by such mailing by name to those persons whose names and addresses appear on the last equalized assessment roll of the County of Alameda or the State Board of Equalization assessment roll, as the case may be. The notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District, the assessment proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessment and the basis upon which the amount of the assessment was calculated. Each notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

6. Boundary Map. The proposed boundaries of the proposed Assessment District are hereby described as shown on a map thereof on file in the office of the City Clerk (the "Boundary Map"), which indicates by a boundary line the extent of the territory to be included in the proposed Assessment District and which Boundary Map shall govern for all details for further purposes of the proceedings for the Assessment District and to which reference is hereby made for further particulars. The City Clerk is hereby authorized and directed to endorse upon the original and at least one copy of the Boundary Map the date of the filing thereof and date and adoption of this resolution and to cause a copy of the Boundary Map to be filed with the County Recorder of the County of Alameda, in which all of the proposed Assessment District is located, within fifteen (15) days of the adoption of this resolution, but in no event later than fifteen (15) days in advance of the date of the hearings ordered under Section 4 hereof. The County Recorder shall endorse upon the Boundary Map the time and date of filing and shall fasten the same securely in a book of maps of assessment and community facilities districts which the County Recorder shall keep in his or her office. The County Recorder shall index the Boundary Map by the name of the City and by the distinctive designation of the proposed Assessment District.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

SM 4-28-95

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPOINTING ENGINEER, BOND COUNSEL, FINANCIAL ADVISOR, AND ASSESSMENT ADMINISTRATOR FOR LOCAL IMPROVEMENT DISTRICT NO. 17 (TWIN BRIDGES COMMUNITY PARK)

BE IT RESOLVED, by the city Council of the City of Hayward as follows:

1. Assessment Proceedings Intended. This Council wishes to undertake proceedings pursuant to appropriate assessment and assessment bond acts for the acquisition and construction of public improvements and the public interest and convenience will be served by appointing and employing certain consultants, as specified herein, for the preparation and conduct of said proceedings, and for the administration of the district that is formed; and
2. Engineer of Work. Mr. Bashir Anastas, the City's Development Review Services Engineer, is appointed as Engineer of Work and employed to do and perform all engineering work necessary in and for said proceedings, including the preparation of the requisite plans, specifications, maps and descriptions of easements, estimate of costs, diagram and assessment.
3. Bond Counsel. The law firm of Jones, Hall, A Professional Law Corporation, San Francisco, California, is appointed and employed to do and perform all bond counsel services for the City as required in the conduct of said proceedings and in connection with the issuance of bonds therein; and that the law firm's compensation for such services is hereby fixed as provided in that certain Agreement For Professional Services between said law firm and the City on file with the City Clerk, execution of which Agreement is hereby approved. The fees of the attorneys shall be assessed as an incidental expense of the proceedings and be payable solely from the proceeds of assessments and sale of bonds and not otherwise.
4. Financial Advisor. The firm of Kelling, Northcross & Nobriga, Oakland, California is appointed as Financial Advisor to the City in connection with the establishment of the assessment district and the issuance of bonds, as provided in that certain Agreement on file with the City Clerk.
5. Assessment Administrator. The firm of MBIA Muni Financial is appointed as Assessment Administrator in connection with the assessment district as provided in that certain Agreement on file with the City Clerk, execution of which is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

APPROVED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

on 4-27-99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**A RESOLUTION OF INTENTION TO MAKE ACQUISITIONS
AND IMPROVEMENTS FOR LOCAL IMPROVEMENT
DISTRICT NO. 17 (TWIN BRIDGES COMMUNITY PARK)**

BE IT RESOLVED, by the City Council of the City of Hayward as follows:

1. **Intention.** The public interest, convenience and necessity require, and that it intends to order the making of the acquisitions and improvements described in Exhibit "A" attached hereto and made a part hereof.

2. **Law Applicable.** Except as herein otherwise provided for the issuance of bonds, all of the work shall be done as provided in the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California (the "Act").

3. **Nature and Location of and Grades for Improvements.** All of the work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations, as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided. There is to be excepted from the work above described any of such work already done to line and grade and marked excepted or shown not to be done on the plans, profiles and specifications. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work is shown on the plans to be done therein. The streets and highways are or will be more particularly shown in the records in the office of the County Recorder of the County of Alameda, State of California, and shall be shown upon the plans.

4. **Change of Grade.** Notice is hereby given of the fact that in many cases the work and improvements will bring the finished work to a grade different from that formerly existing, and that to the extent the grades are hereby changed and that the work will be done to the changed grades.

5. **Work on Private Property.** In cases where there is any disparity in level or size between the improvements proposed to be made herein and private property and where it is more economical to eliminate such disparity by work on the private property than by adjustment of the work on public property, it is hereby determined that it is in the public interest and more economical to do such work on private property to eliminate such disparity. In such cases, the work on private property shall, with the written consent of the owner of the property, be done and the actual cost thereof may be added to the proposed assessment of the

lot on which the work is to be done.

6. **Official Grades.** This Council does hereby adopt and establish as the official grades for the work the grades and elevations to be shown upon the plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of this City.

7. **Descriptions - General.** The descriptions of the acquisitions and improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions as contained in the Engineer's Report, hereinafter directed to be made and filed, shall be controlling as to the correct and detailed description thereof.

8. **Special Benefit and Boundary Map.** The contemplated acquisitions and improvements, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable upon an assessment district, the exterior boundaries of which are shown on a map thereof on file in the office of the City Clerk, to which reference is hereby made for further particulars. The map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

9. **Engineer's Report.** The acquisitions and improvements are hereby referred to Bashir Anastas as the Engineer of Work for this assessment district (the "Engineer of Work"), and the Engineer of Work is hereby directed to make and file with the City Clerk a report in writing, presenting the following:

- (a) Maps and descriptions of the lands and easements to be acquired, if any;
- (b) Plans and specifications of the proposed improvement if the improvements are not already installed. The plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location, and extent of the improvements. If the assessment district is divided into zones, the plans and specifications shall indicate the class and the type of improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, or either or both may be incorporated in the Engineer's Report as a combined document.
- (c) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvements, if the works, appliances, or property are to be acquired as part of the improvements.
- (d) An estimate of the cost of the improvements and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvements,

including any cost of registering bonds.

(e) A diagram showing, as they existed at the time of the passage of this Resolution, all of the following:

- (1) The exterior boundaries of the assessment district.
- (2) The boundaries of any zones within the district.
- (3) The lines and dimensions of each parcel of land within the district.

Each subdivision, shall be given a separate number upon the diagram. The diagram may refer to the county assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.

(f) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by each subdivision, respectively, from the improvement. In the case of an assessment for installation of planned local drainage facilities which are financed, in whole or in part, pursuant to Section 66483 of the California Government Code, the assessment levied against each parcel of subdivided land may be levied on the basis of the proportionate storm water runoff from each parcel. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (e).

(g) A proposed maximum annual assessment upon each of the several subdivisions of land in the district to pay costs incurred by this City and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and reserve or other related funds.

When any portion or percentage of the costs and expenses of the acquisitions and improvements is to be paid from sources other than assessments, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the acquisitions and improvements, and the assessment shall include only the remainder of the estimated cost and expenses.

10. **Use of Surplus.** If any excess shall be realized from the assessment it shall be used, in such amounts as this Council may determine, in accordance with the provisions of the Act, for one or more of the following purposes:

- (a) Transfer to the general fund of this City, provided that the amount of any such

transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment or for the redemption of bonds, or both; or

(c) For the maintenance of the improvements.

11. **Contact Person.** Bashir Anastas, Development Review Services Engineer for the City, is hereby designated as the person to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at 777 "B" Street, Hayward, California, 94541, or by calling telephone number (510) 583-4208.

12. **Contracts with Others.** To the extent that any of the work, rights, improvements and acquisitions indicated in the Engineer's Report, to be made as provided herein, are shown to be connected to the facilities, works or systems of, or are to be owned, managed and controlled by, any public agency other than this City, or of any public utility, it is the intention of this Council to enter into an agreement with such public agency or public utility pursuant to Chapter 2 (commencing with Section 10100) of the Act, which agreement may provide for, among other matters, the ownership, operation and maintenance by such agency or utility of the works, rights, improvements and acquisitions, and may provide for the installation of all or a portion of such improvements by the agency or utility and for the providing of service to the properties in the area benefiting from the work, rights, improvements and acquisitions by such agency or utility in accordance with its rates, rules and regulations, and that such agreement shall become effective after proceedings have been taken for the levy of the assessments and sale of bonds and funds are available to carry out the terms of any such agreement.

13. **Improvement Bonds.** Notice is hereby given that serial and/or term improvement bonds to represent unpaid assessments, and bear interest at the rate of not to exceed twelve percent (12%) per annum, or such higher rate of interest as may be authorized by applicable law at the time of sale of such bonds, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, Division 10 of the California Streets and Highways Code (the "Bond Law"), the last installment of which bonds shall mature not to exceed thirty-nine (39) years from the second day of September next succeeding twelve months from their date. The provisions of Part 11.1 of the Bond Law, providing an alternative procedure for the advance payment and calling of bonds, shall apply to the bonds issued in these proceedings. It is the intention of this Council to create a special reserve fund pursuant to and as authorized by Part 16 of the Bond Law. It is the intention of the City that the City will not obligate itself to advance available funds from the treasury of the City to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that a determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

14. **Refunding of Bonds.** The bonds may be refunded pursuant to the provisions of Division 11.5 of the California Streets and Highways Code upon the determination of the Council of the City that the public interest or necessity requires such refunding. Such refunding may be undertaken by the Council when, in its opinion, lower prevailing interest rates may allow reduction in amount of the installments of principal and interest upon the assessments to given to owners of property assessed for the works herein described. The refunding bonds shall bear interest at a rate not to exceed that which is stated in the resolution of the Council expressing its intention to issue the refunding bonds, which resolution of intention shall also set forth the maximum term of years of the refunding bonds. Any adjustment to assessments resulting from the refunding will be done on a pro-rata basis. The refunding shall be accomplished pursuant to Division 11.5 (commencing with Section 9500) of the California Streets and Highways Code, except that, if, following the filing of the Engineer's Report specified in Section 9523 and any subsequent modifications of the Engineer's Report, the Council finds that each of the conditions specified in the resolution of intention to issue the refunding bonds is satisfied and that adjustments to the assessments are on a pro-rata basis, the Council may approve and confirm the Engineer's Report and may, without further proceedings, authorize, issue and sell the refunding bonds pursuant to Chapter 3 (commencing with Section 9600) of Division 11.5 of the California Streets and Highways Code.

15. **No Private Contract.** Notice is hereby given that, in the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements and therefore that, pursuant to Section 20487 of the California Public Contract Code, no notice of award of contract shall be published.

16. **City Contributions.** Notice is hereby given that it is the intention of this Council to consider adoption of an ordinance, pursuant to Section 10205 of the Streets and Highways Code, authorizing contributions by the City, from any sources of revenue not otherwise prohibited by law, of a specified amount, portion or percentage of such revenues, for the purpose of acquisition or construction of improvements, the acquisition of interests in real property and the payment of expenses incidental thereto for the use and benefit of the assessment district contemplated by this Resolution, and to consider authorizing application of such revenues as a credit upon the assessment proposed to be levied in proceedings pursuant hereto.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

DM 4-29-99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER
TO EXECUTE A FUNDING AND ACQUISITION
AGREEMENT AND ALLOCATE MONEY FOR PARK
IMPROVEMENTS FOR THE TWIN BRIDGES
COMMUNITY PARK

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute on behalf of the City of Hayward a funding and acquisition agreement with Standard Pacific of Northern California to pay for park improvements from the bond proceeds, and such additional agreements necessary to implement the funding and acquisition of the Twin Bridges Community Park, in a form to be approved by the City Attorney; and

BE IT FURTHER RESOLVED that the City Council does hereby allocate \$75,000 from the General Fund to provide partial funding for park improvements to be installed in the Twin Bridges Community Park.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

CITY OF HAYWARD Local Improvement District No. 17 (Twin Bridges Community Park)

DESCRIPTION OF WORK

Within the City of Hayward the construction and acquisition of the following public improvements, including the acquisition of all lands, easements, rights-of-way, licenses, franchises, and permits and the construction of all auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans and specifications to be approved by the City:

Construction of the 3.00 acre Twin Bridges Community Park located within Tract No. 7015. The construction shall generally consist of :

1. Site Grading & Contour Grading
2. Drainage System
3. Landscaping
 - 82-24" box trees
 - 11,089 - 5 gallon shrubs
 - 278 - 1 gallon shrubs
4. Automatic Irrigation System
5. Hydroseeded Lawn
6. Concrete Sidewalks, Mowstrips, & Play Area Wall
7. Foundation for Masonry Wall
8. Asphalt Basketball Court
9. Site Furnishings
 - 18-benches
 - 7-Picnic Tables
 - 1-Volleyball Court
 - 8-Metal Bollards
 - 5-Barbecues
 - 2-Drinking Fountains
 - 1-Basketball Standard
 - 1-Playground Equipment Set
10. Site Lighting and Electrical
11. Installation of Playground Equipment
12. Fibar, Base Rock & Fabric for Play Area

13. Decomposed Granite Areas
14. Sand, Base Rock & Fabric for Volleyball Court
15. 90-Day Maintenance

DRAFT
CITY OF HAYWARD

DM 4-29-99

RESOLUTION NO. _____

Introduced by Council Member _____

**A RESOLUTION DIRECTING PREPARATION OF ANNUAL
REPORT FOR ZONE 7 OF THE CONSOLIDATED
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT
NO. 96-1**

BE IT RESOLVED, by the City Council of the City of Hayward that

WHEREAS, on July 28, 1998, this Council adopted Resolution No. 98-158 (the "Resolution") in which it ordered the formation of and levied the first assessment within Zone 7 of the Consolidated Landscaping and Lighting District No. 96-1 (the "District") pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code) (the "Act"); and

WHEREAS, the Act provides for the levy of annual assessments after formation of the District;

NOW THEREFORE, IT IS ORDERED as follows:

1. Within the District, the existing and proposed improvements have not changed from those improvements described in the Engineer's Report approved by the Resolution, however the City wishes to change the amount of the assessment to a range of assessments which will increase annually based upon increases in the California Consumer Price Index.

2. Development Review Services Engineer Bashir Anastas is hereby designated as Engineer of Work for purposes of the District, and is ordered to prepare and file an annual report in accordance with Section 22565 et seq., of the Act.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

821 4-29-99

HAYWARD CITY COUNCIL

DRAFT

RESOLUTION NO. ____

Introduced by Council Member _____

A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS
FOR FISCAL YEAR 1999-2000 FOR ZONE 7 OF THE
CONSOLIDATED LANDSCAPING AND LIGHTING
DISTRICT NO. 96-1, PRELIMINARILY APPROVING
ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF
HEARING

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, on May 4, 1999, this Council adopted Resolution No. 99-____, A
Resolution Directing Preparation of Annual Report For Zone 7 of the Consolidated
Landscaping and Lighting District No. 96-1 (the "District"); and

WHEREAS, pursuant to that Resolution, an Engineer's Report has been prepared, filed
with the City Clerk, and duly considered by this Council;

NOW, THEREFORE, IT IS ORDERED as follows:

1. The Engineer's Report is hereby deemed sufficient and preliminarily approved.
This report shall stand as the Engineer's Report for all subsequent proceedings under and
pursuant to the foregoing Resolution.

2. It is the intention of the Council to levy and collect assessments within the
District for fiscal year 1999-2000. Within the District, the existing and proposed
improvements are generally described as:

- a. Planting, irrigation, the multi-use pathway, and other associated improvements
located within the landscape easements and street right-of-way along Mission
Boulevard and Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles,
including the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the collector street ("A" Drive);
- d. Bus shelters;
- e. Walls and fences facing Mission boulevard, Industrial Parkway, the entrance

roads, the golf course and along the Line N drainage channel (including graffiti removal);

f. Any specialty street or landscape lighting; and

g. A neighborhood park.

3. The general location and the boundaries of the District are as shown on a map on file and open to inspection in the office of the City Clerk.

4. Reference is hereby made to the aforementioned Engineer's Report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District, which assessments for the fiscal year 1999-2000 are proposed to be changed to a range of assessments, with such range to be increased by annual increases in the California Consumer Price Index.

5. This Council hereby orders that a public hearing shall be held before this Council in the regular meeting place thereof, City Council Chambers, 777 B Street, Hayward, California on Tuesday, June 22, 1999, at the hour of 8:00 o'clock p.m. for the purposes of this Council's determination whether the public interest, convenience and necessity require the improvements and this Council's final action upon the Engineer's Report and the assessments therein.

6. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed Notice shall be given to all property owners within the District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the District for fiscal year 1999-2000, the assessment proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being increased or changed as proposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

APPROVED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

Jim 4-28-99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION APPROVING ENGINEER'S REPORT FOR
ZONE 7 OF THE CONSOLIDATED LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT NO. 96-1,
CONFIRMING DIAGRAM AND ASSESSMENT AND
ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR
1999-2000

BE IT RESOLVED, by the City Council of the City of Hayward as follows:

WHEREAS, by its Resolution entitled "A Resolution Directing Preparation of Annual Report For Zone 7 of the Consolidated Landscaping Assessment District No. 96-1" adopted on May 4, 1999 (the "Resolution"), this Council designated Jeanette E. Peck as Engineer of Work and ordered said Engineer to make and file a report in writing for its Zone 7 of the Consolidated Landscaping and Lighting Assessment District No. 96-1 (the "Maintenance District") in accordance with and pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act");

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 22, 1999 at the hour of 8:00 o'clock p.m. in the City Council Chambers, 777 B Street, Hayward, California, was appointed as the time and place for a public hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and all assessment ballots received were duly tabulated, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

NOW, THEREFORE, it is found, determined and understood as follows:

1. The assessment ballots submitted by the owners of property within the Maintenance District in favor of the increased assessment exceeded those submitted in opposition to the

increased assessment. Any protests to the proposed Maintenance District or to the assessments are hereby overruled.

2. The public interest, convenience and necessity require that the levy be made.

3. The Maintenance District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. The Engineer's Report as a whole and each part thereof, to wit:

(a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Maintenance District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Maintenance District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report, as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as modified to delete the provision of police and fire services from the Maintenance District and as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 1999-2000 is hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution.

7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City's Finance Director.

9. Upon receipt of moneys representing assessments collected by the County, the Finance Director shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Maintenance District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

DM 4-29-99

HAYWARD CITY COUNCIL

RESOLUTION NO. ____

Introduced by Council Member _____

**A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS
FOR FISCAL YEAR 1999-2000 FOR ZONE 7 OF THE
CONSOLIDATED LANDSCAPING AND LIGHTING
DISTRICT NO. 96-1, PRELIMINARILY APPROVING
ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF
HEARING**

WHEREAS, on May 4, 1999, this Council adopted Resolution No. _____,
A Resolution Directing Preparation of Annual Report For Zone 7 of the Consolidated
Landscaping and Lighting District No. 96-1 (the "District"); and

WHEREAS, pursuant to that Resolution, an Engineer's Report has been
prepared, filed with the City Clerk, and duly considered by this Council;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Engineer's Report is hereby deemed sufficient and preliminarily approved.
This report shall stand as the Engineer's Report for all subsequent proceedings under and
pursuant to the foregoing Resolution.
2. It is the intention of the Council to levy and collect assessments within the
District for fiscal year 1999-2000. Within the District, the existing and proposed
improvements are generally described as
3. The general location and the boundaries of the District are as shown on a map
on file and open to inspection in the office of the City Clerk.
4. Reference is hereby made to the aforementioned Engineer's Report, on file with
the City Clerk, for a full and detailed description of the improvements, the boundaries of the
District and the proposed assessments upon assessable lots and parcels of land within the
District, which assessments for the fiscal year 1999-2000 are proposed to be changed to a
range of assessments, with such range to be increased by annual increases in the California
Consumer Price Index.
5. This Council hereby orders that a public hearing shall be held before this
Council in the regular meeting place thereof, City Council Chambers, 777 B Street, Hayward,

California on Tuesday, May 4, 1999, at the hour of 8:00 o'clock p.m. for the purposes of this Council's determination whether the public interest, convenience and necessity require the improvements and this Council's final action upon the Engineer's Report and the assessments therein.

6. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 5 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the City and the return address of the City Clerk as the sender. The mailed Notice shall be given to all property owners within the District by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the District for fiscal year 1999-2000, the assessment proposed for the owner's particular parcel(s) and the duration thereof, the reason for the assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being increased or changed as proposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

APPROVED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward